

CARMEL BOARD OF ZONING APPEALS
APPLICATION FOR DEVELOPMENT STANDARDS VARIANCE – HEARING OFFICER

FEES: **Single Family** (Primary Residence) \$176.00 for the first variance, plus \$103.00 for each additional section of the ordinance being varied. **Commercial and Other** \$711.00 for the first variance, plus \$353.00 for each additional section of the ordinance being varied.

Office Use Only

DOCKET NO. _____ DATE RECEIVED: _____

- 1) Applicant: _____
Address: _____
- 2) Project Name: _____ Phone: _____
Engineer/Architect: _____ Phone: _____
Attorney: _____ Phone: _____
Contact Person: _____ Phone: _____
Email: _____
- 3) Applicant's Status: (Check the appropriate response)
_____ (a) The applicant's name is on the deed to the property _____ (b) The applicant is the contract purchaser of the property. (c) Other: _____
- 4) If Item 3) (c) is checked, please complete the following:
Owner of the property involved: _____
Owner's address: _____ Phone: _____
- 5) Record of Ownership: Deed Book No./Instrument No. _____
Page: _____ Purchase date: _____
- 6) Common address of the property involved: _____
Legal description: _____
Tax Map Parcel No.: _____
- 7) State explanation of requested Development Standards Variance: (State what you want to do and cite the section number(s) of the Unified Development Ordinance that applies and/or creates the need for this request).

- 8) State reasons supporting the Variance: (Additionally, complete the attached question sheet entitled "Findings of Fact-Development Standards Variance").

- 9) Present zoning classification of the property: _____
- 9a) Overlay Zone of property (if applicable): _____
- 10) Size of lot/parcel in question: _____ acres
- 11) Present use of the property: _____
- 12) Describe the proposed use of the property: _____

- 13) Is the property: Owner occupied _____ Renter occupied _____ Other _____
- 14) Are there any restrictions, laws, covenants, variances, special uses, or appeals filed in connection with this property that would relate or affect its use for the specific purpose of this application? If yes, give date and docket number, instrument no., decision rendered and pertinent explanation. _____

- 15) Has work for which this application is being filed already started? If answer is yes, give details:
Building Permit Number: _____
Builder: _____
- 16) If proposed appeal is granted, when will the work commence?

- 17) If the proposed variance is granted, who will operate and/or use the proposed improvement for which this application has been filed?

NOTE: LEGAL NOTICE shall be published in the newspaper **according to the Chart on page 5** a MANDATORY ten (10) days prior to the public hearing date. The certified "Proof of Publication" affidavit for the newspaper must be available for inspection the night of the hearing.

LEGAL NOTICE to all adjoining and abutting property owners is also MANDATORY, two methods of notice are recommended:

- 1) **FIRST CLASS MAIL WITH CERTIFICATE OF MAILING** sent to adjoining property owners. (The white receipt should be stamped by the Post Office at least 10 (ten) days prior to the public hearing date.)
- 2) HAND DELIVERED to adjoining and abutting property owners (A receipt signed by the adjoining and abutting property owner acknowledging the ten (10) day notice should be kept for verification that the notice was completed.)

REALIZE THE BURDEN OF PROOF FOR ALL NOTICES IS THE RESPONSIBILITY OF THE APPLICANT.

The applicant understands that docket numbers will not be assigned until all supporting information has been submitted to the Department of Community Services.

Applicant Signature: _____ Date: _____

The applicant certifies by signing this application that he/she has been advised that all representations of the Department of Community Services are advisory only and that the applicant should rely on appropriate Unified Development Ordinance and/or the legal advice of his/her attorney.

AFFIDAVIT

I, hereby swear that I am the owner/contract purchaser of property involved in this application and that the foregoing signatures, statements and answers herein contained and the information herewith submitted are in all respects true and correct to the best of my knowledge and belief. I, the undersigned, authorize the applicant to act on my behalf with regard to this application and subsequent hearings and testimony.

Signed Name: _____
(Property Owner, Attorney, or Power of Attorney)

Printed Name: _____

STATE OF INDIANA

SS:

County of _____ Before me the undersigned, a Notary Public
(County in which notarization takes place)

for _____ County, State of Indiana, personally appeared
(Notary Public's county of residence)

_____ and acknowledge the execution of the foregoing instrument
(Property Owner, Attorney, or Power of Attorney)

this _____ day of _____, 20_____.
(date) (month) (year)

(SEAL)

Notary Public--Signature

Notary Public--Please Print

My commission expires: _____

DEVELOPMENT STANDARDS VARIANCE HEARING OFFICER -- INSTRUCTIONS

1. Allow plenty of time for the Department of Community Services (DOCS) staff review and Board of Zoning Appeals (BZA) approval Process (approximately 25 - 45 days). Discuss proposed Variance with the DOCS staff (please call for an appointment; 571-2417, Third Floor, Carmel City Hall, 1 Civic Square, Carmel).
2. INFORMATION NEEDED for formal DOCS staff and BZA review:
 - a. The original and one copy of the completed variance application (available from the Office of DOCS), with legal description(s) attached.
 - b. Two (2) copies of location map showing location of site in question, zoning, and existing land use of adjacent properties. (See GIS Maps: <http://www.carmel.in.gov/about-the-city/geography-and-gis-maps>)
 - c. Two (2) copies of all plans drawn to scale with all dimensions and depicting all existing and proposed structures, elevations, landscaping, drainage, lighting, signage, and any other supporting documentation to fully understand the proposal.
 - d. One copy of adjacent property owners certified by the Hamilton County Auditor's Office.
3. The above referenced information must be submitted to the DOCS at least twenty-five to forty-five (25-45) days prior to hearing date. Within ten (10) days, the application will be reviewed by staff and a letter outlining the deficiencies will be emailed to the petitioner or a docket number will be assigned (a docket number will not be assigned until all deficiencies are addressed).
4. After final review the petitioner will need to pay the required filing fee before the item will be added to the official BZA meeting agenda.
5. At this time, the Notice of Public Hearing must be mailed by **First Class mail with a Certificate of Mailing** to all adjacent property owners and published in the newspaper **according to the Chart on page 5** a **MANDATORY** ten (10) days prior to the public hearing date. Also, a public hearing sign must be posted on the property (see pg. 7.)
6. At least ten (10) days prior to the hearing, the petitioner must submit their proof of publications, proof of adjacent property owners notice (Certificates of Mailing), a completed Petitioner's Affidavit of Notice of Public Hearing (pg. 9), and the Board member's info packets to the DOCS (a minimum of nine (9) packets are needed).

The following is the order and list of items that should be included in the each Board Member's packet:

- | | |
|---|---|
| 1-Finding of Facts (ballot sheet, pg. 10) | 4-Statement of Support (short paragraph) |
| 2-Finding of Facts (question sheet, pg. 11) | 5-Location Map |
| 3-Statement of Variance (short paragraph) | 6-Reductions of all plans (site, drainage, landscaping, signage, lighting, etc.) and elevations |
7. The property owner, property owner's Attorney, or someone with the property owner's Power of Attorney must be present at the Board of Zoning Appeals Public Hearing, in order to speak/present.
 8. A Hearing Officer Presentation must be given at the BZA public hearing. The Hearing Officer presentations are more informal, where only info packets are required.
 9. Generally, variance applications are acted upon by the Board in one meeting. However, the Board at its discretion may table an item at any time.
 10. The Board of Zoning Appeals meets the 4th Monday of each month at 6:00 p.m. in the City Hall Council Chambers, 2nd floor, 1 Civic Sq., Carmel, IN. BZA Hearing Officer meetings are usually held immediately prior to the regular meeting, around 5:30 p.m., in the City Hall Caucus Rooms.

NOTICE OF PUBLIC HEARING – NEWSPAPER PUBLICATION (LEGAL AD)

Per Article VI, Section 3 of the BZA Rules of Procedure, a legal notice shall be published in the Current in Carmel newspaper. However, affected areas located within a non-Carmel postal ZIP code (Westfield, Zionsville, Indianapolis) must place a legal notice in the corresponding city's newspaper. Refer to the chart below to find what publications to notify based upon the corresponding ZIP code. **(Please note: subject sites located on the border between a Carmel and a non-Carmel zip code must make legal ad notice to two newspapers – The Current & The Indianapolis Star.)**

<u>Zip Code</u>	<u>Publication</u>
46032 or 46033	Current in Carmel
46074	Current in Westfield
46077	Current in Zionsville
46240, 46260, 46268, 46280, or 46290	Indianapolis Star

ADJACENT PROPERTY OWNERS LIST

I, _____ (Auditor's Name) _____, Auditor of Hamilton County, Indiana, certify that the attached list is a true and complete listing of the adjoining and adjacent property owners of the property described herewith.

OWNER

ADDRESS

EXAMPLE ONLY:

Formal list request sheet & official list may be acquired from the Hamilton County Real Property Dept. (317-770-4412 or hamiltoncounty.in.gov). Please allow 3 to 5 days for Hamilton County to complete your request.

Auditor of Hamilton County, Indiana--Signature

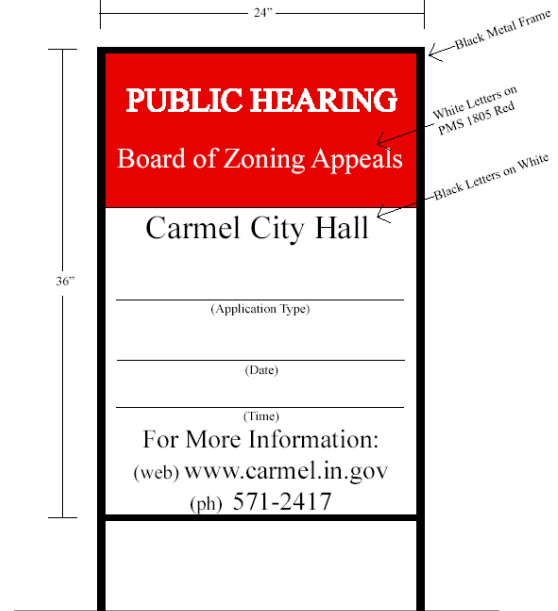
Date

Board of Zoning Appeals Public Notice Sign Procedure:

The petitioner shall incur the cost of the purchasing, placing, and removing the sign. The sign must be placed in a highly visible and legible location from the road on the property that is involved with the public hearing.

The public notice sign shall meet the following requirements:

1. Must be placed on the subject property no less than 10 days prior to the public hearing
2. The sign must follow the sign design requirements:
 - Sign must be 24" x 36" – vertical
 - Sign must be double sided
 - Sign must be composed of weather resistant material, such as corrugated plastic or laminated poster board
 - The sign must be mounted in a heavy-duty metal frame
3. The sign must contain the following:
 - 12" x 24" PMS 1805 Red box with white text at the top.
 - White background with black text below.
 - Text used in example to the right, with Application type, Date*, and Time of subject public hearing
 - * The Date should be written in day, month, and date format. *Example: "Mon., January 23"*
4. The sign must be removed within 72 hours of the Public Hearing conclusion.



Public Notice Sign Placement Affidavit:

I (We) _____ do hereby certify that placement of the public notice sign to consider Docket No. _____ was placed on the subject property at least 10 days prior to the date of the public hearing at the address listed below:

STATE OF INDIANA, COUNTY OF _____, SS:

The undersigned, having been duly sworn, upon oath says that the above information is true and correct as he is informed and believes.

Petitioner's signature: _____

Subscribed and sworn to before me this _____ day of _____, 20____.

Notary Public Signature: _____

Notary Public Printed Name: _____

My Commission Expires: _____.

NOTICE OF PUBLIC HEARING
BEFORE THE CARMEL BOARD OF ZONING APPEALS

Docket No. _____

Notice is hereby given that the Carmel Board of Zoning Appeals meeting on the _____ day of _____, 20__ at ____:____ p.m. in the City Hall Caucus Rooms, 1 Civic Square, Carmel, IN 46032 will hold a Public Hearing upon a Development Standards Variance application to:

(Explain your request--see question numbered seven (7))

property being known as (address): _____.

The application is identified as Docket No. _____.

The real estate affected by said application is described as follows:

(Insert Legal Description OR Tax ID parcel number(s))

All interested persons desiring to present their views on the above application, either in writing or verbally, will be given an opportunity to be heard at the above-mentioned time and place.

PETITIONERS

(Note: When mailing out public notices to adjacent property owners, it is recommended that you include a location map, as well.)

PETITIONER'S AFFIDAVIT OF NOTICE OF PUBLIC HEARING

CARMEL BOARD OF ZONING APPEALS

I (WE) _____ DO HEREBY CERTIFY THAT NOTICE OF
(Petitioner's Name)
PUBLIC HEARING BEFORE THE CARMEL BOARD OF ZONING APPEALS CONSIDERING DOCKET NO.

_____, WAS REGISTERED AND MAILED AT LEAST 10* DAYS PRIOR TO THE DATE OF
THE PUBLIC HEARING TO THE BELOW LISTED ADJACENT PROPERTY OWNERS:

OWNER

ADDRESS

_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

STATE OF INDIANA

SS:

The undersigned, having been duly sworn upon oath says that the above information is true and correct and he is informed and believes.

(Signature of Petitioner)

County of _____ Before me the undersigned, a Notary Public
(County in which notarization takes place)

for _____ County, State of Indiana, personally appeared
(Notary Public's county of residence)

_____ and acknowledge the execution of the foregoing instrument
(Property Owner, Attorney, or Power of Attorney)

this _____ day of _____, 20_____.
(day) (month) (year)

(SEAL)

Notary Public--Signature

Notary Public--Please Print

My commission expires: _____

**Only 10 days prior public notice required for a BZA Hearing Officer Meeting*

CARMEL ADVISORY BOARD OF ZONING APPEALS

BALLOT SHEET: FINDINGS OF FACT, DEVELOPMENT STANDARDS VARIANCE

Carmel, Indiana

Docket No.: _____

Petitioner: _____

1. _____

2. _____

3. _____

DATED THIS _____ DAY OF _____, 20 _____.

Board Member

CARMEL ADVISORY BOARD OF ZONING APPEALS

FINDINGS OF FACT SHEET - DEVELOPMENT STANDARDS VARIANCE

Docket No.: _____

Petitioner: _____

1. The approval of this variance will not be injurious to the public health, safety, morals and general welfare of the community because:

2. The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner because:

3. The strict application of the terms of the Unified Development to the property will result in practical difficulties in the use of the property because:

DECISION

IT IS THEREFORE the decision of the Carmel Board of Zoning Appeals that Development Standards Variance Docket No. _____ is granted, subject to any conditions stated in the minutes of this Board, which are incorporated herein by reference and made a part hereof.

Adopted this _____ day of _____, 20 _____.

HEARING OFFICER, Carmel Board of Zoning Appeals

SECRETARY, Carmel Board of Zoning Appeals

*Conditions of the Board are listed on back.
Petitioner or representative to sign.*

CHECKLIST

Development Standards Variance *Hearing Officer* Application

Applications must include the following applicable materials:

- ☐ Completed application (typewritten), signed by the owner of the subject property or an authorized agent, notarized, and filed at least 25 days prior to the next scheduled public hearing – two (2) copies.
- ☐ Owner Affidavit (page 3)
- ☐ Adjacent Property Owners list certified by the Hamilton County Auditor's Office. Formal list request sheet & official list may be acquired from the Hamilton County Real Property Dept. (317-770-4412 or hamiltoncounty.in.gov). Please allow 3 to 5 days for Hamilton County to complete your request.
- ☐ Scaled Site plan (two copies) that includes the following applicable items:
 1. Existing and proposed principal structures and accessory structures.
 2. Parking plan.
 3. Signage plan.
 4. Lighting Plan, if applicable
 5. Existing and proposed public rights of way (internal and adjoining).
 6. Location of easements (utility, drainage, landscape, access, etc.)
 7. Building setback lines.
 8. Building coverage calculation.
 9. Existing and proposed utility structures and systems.
- ☐ Photos and/or architectural building elevations of subject site and/or buildings.
- ☐ When applicable, prepare an estimated construction cost to comply with the Transportation Plan per Section 1.07(E) (Contact City Engineering Dept. for more detail, at 317-571-2441.)
- ☐ Covenants and commitments, if any.
- ☐ When applicable, service reports from TAC (Technical Advisory Committee) members.
- ☐ Electronic copies of the plans and applications.

All documents must be legible and of the required size and scale. The omission of any of the material indicated in the above checklist may lead to your petition being placed on a later docket, or not accepted for filing.